

**APPENDIX.****Ordinance No. 192**

An ordinance annexing to the City of Phoenix, in the county of Maricopa, Territory of Arizona, the land, property and territory situate, lying and being in said county and Territory, to-wit:

The Southeast quarter ( $\frac{1}{4}$ ) of section five (5) in Township one (1) North, Range three (3) East of Gila and Salt River Base and Meridian.

Whereas, a petition has been filed with the City Recorder, and the Common Council of the City of Phoenix, signed by the owners of more than one half in value, according to the last assessment in Maricopa County, of the land, property and territory in Maricopa County, Territory of Arizona, hereinafter mentioned, to-wit:

The Southeast quarter ( $\frac{1}{4}$ ) of section five (5) in Township one (1) North, Range three (3) East, Gila and Salt River Base and Meridian according to the United States survey, and commonly known as the Churchill Addition to the City of Phoenix, and lying contiguous thereto, and not embraced within its limits, and asking that said tract of land, property and territory be annexed to said City in conformity with the provisions of an act entitled "An act authorizing Incorporated Cities to extend and enlarge their limits". approved April 12th. 1893.

Now, therefore, the Common Council of the City of Phoenix do ordain as follows:

**Section 1.—**

That the said property and tract of land and territory hereinbefore mentioned and described, be, and the same is hereby annexed to, made a part of, and included within the Corporate limits of the City of Phoenix, County of Maricopa, Territory of Arizona, and the same and every part thereof shall hereinafter be a part and parcel of said City for all purposes whatsoever.

## Section 2.—

This ordinance shall be in force and effect, from and after its passage, and publication according to law.

Passed by the Common Council, this 27th day of February, A. D. 1895.

Approved this 27th day of February, A. D. 1895.

J. D. MONIHON,

*Mayor.*

Attest:

ED. SCHWARTZ,

*City Recorder.*

Recorder's Office,

Phoenix, Maricopa Co., A. T.

Filed and recorded at request of City Council of Phoenix A. T. June 27, 1895, at 11:05 A. M. Book 2 of maps, page 48.

WINTHROP SEARS,

*County Recorder.*

I, R. L. Rosson, Mayor of the City of Phoenix, hereby duly certify that the foregoing is a true copy of Ordinance 192, entitled "An Ordinance annexing to the City of Phoenix, in the County of Maricopa, Territory of Arizona, the land, property, and territory, situate, lying and being in said County and Territory, to wit:

The Southeast quarter ( $\frac{1}{4}$ ) of section 5 in township one (1) North, range three (3) East of Gila and Salt River Base and Meridian, passed and approved February 27, 1895. I further certify that the map hereto annexed, entitled "Plat of the survey of the Churchill Addition to the City of Phoenix", is an accurate map of the territory annexed to said City of Phoenix, under and by said Ordinance No. 192.

Witness my hand and the seal of said City, the 24th day of June, 1895.

[SEAL.]

R. L. ROSSON,  
*Mayor of the City of Phoenix.*

Plat of the Survey of  
Churchill Addition  
To the City of Phoenix  
Section 1, Act No. 75, Session Laws of 1893.

IN

THE REVISED STATUTES OF ARIZONA OF 1901;  
IN

TITLE 11, CHAPTER IV, PARAGRAPH 509, PAGE 232,

Section 1—That any incorporated city now existing in this territory may extend, enlarge and increase its corporate limits in the manner following:

That on presentation of a petition in writing, signed by the owners of not less than one-half (in value) of the property in any territory contiguous to any duly incorporated city in this territory (as shown by the last assessment of said property) and not embraced within its limits, the common council of said city may, by ordinance, annex such territory to said city, upon filing a copy of such ordinance with an accurate map of the territory annexed, duly certified by the mayor of said city, in the office of the county recorder, in the county where the annexed territory is situated and have the same recorded therein.

**Comment.**

From the above Ordinance No. 192, supported by the above Statute under which the ordinance was enacted it is apparent that the required number of names, representing assessed values, was filed with the common council of Phoenix, which did act on the petition, by ordinance No. 192, and did not record the same until June 27, 1895, four months after the ordinance was passed and approved by the mayor. The above statute fixes the date of annexation at the recordation.

The Opinion of the State Supreme Court of Arizona, on page 4, recites that when it was incorporated into the city by ordinance that the owners of Block 1 raised no objection thereto.

There is no provision in the above statute that permits the raising of any objection, by any one, to either the annexation, the ordinance, or objection to any map, whatever that the city may cause to be filed.

The so-called dedication rests squarely upon the annexation.

(4074)